IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2194 OF 1992.

Angadrao Shankarrao Patil : Petitioner.

versus

Shankar Bali Gadhave & ors. : Respondents.

Mr.A.P.Kulkarni h/f Mr.A.A.Kumbhakoni for the petitioner.

Mr.S.B.Deshmukh h/f Mr.A.V.Anturkar for the respondents.

CORAM : D.G.DESHPANDE, J.

DATED : September 15, 2006.

ORAL ORDER

1. Heard advocates for the petitioner and respondents. The petitioner is the tenant. He was the tenant of the property since 1972-73 of the agricultural land. The area of the land is 2 H. 29 R. Then proceedings under Sections 32(O)

and (P) of the Bombay Tenancy and Agricultural Lands Act, 1948 (herein after referred to as "The Tenancy Act") were started. The landlords and the tenant were agreed for a particular price. An order came to be passed in that regard. Certificate of Purchase under Section 32M of the Tenancy Act came to be issued in favour of the tenant. After eleven years, the landlords filed an appeal against the said order contending that the original order under Section 32P or 32M was not at all signed by the Tahasildar and it could not be given effect to nor taken into consideration. Admittedly, there was a delay of eleven years in filing the appeal. But looking to the issue going to the core of the matter, the appeal was dismissed. The landlords then preferred a Revision before the Maharashtra Revenue Tribunal (herein after referred to as "the MRT"). That revision was allowed by the MRT, Pune and the matter was remanded to the trial court for fresh hearing. It is against this order of the MRT, the present petition is filed.

2. I do not find any mistake in the approach of the MRT. If the MRT, after scrutiny of the

original records, found that the original judgment was not at all signed by the Tahsildar or authority, then it was not a judgment which could be given effect to or which could be recognized as a judgment as such, in the eye of law. Therefore, the MRT has rightly remanded the matter for fresh hearing/inquiry under Section 32P of the Tenancy Act. There is nothing illegal in the order of the MRT. Therefore, in the circumstances of the matter, no interference is called for. Hence the Petition is dismissed in the sense that the order of remand is proper in the circumstances. The statement of the advocate for the petitioner is recorded to the effect that the petitioner is in possession of the property from 1972-73 and that he has paid the price to the landlords upon which a Certificate under Section 32-M of the Tenancy Act was issued. However, the inquiry under Section 32P of the Tenancy Act will have to be proceeded further from the stage of arguments of the parties. Evidence is already recorded according to the statement of the advocate for the petitioner. Rule is discharged accordingly. Interim stay stands vacated. No order as to costs.

[D.G.DESHPANDE, J.]